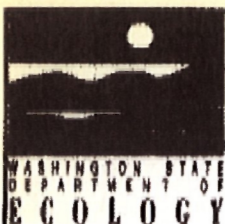


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To (Name/Agency)

NEIL Thompson

From (Name/Division)

M. Kuntz / TCD

Remarks:

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TOXICS CLEANUP PROGRAM
WOODLAND SQUARE
MS PV-11
OLYMPIA, WA 98504-8711

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SPOKANE COUNTY

PUBLIC WORKS DEPARTMENT
Dennis M. Scott, P.E., Director

June 1, 1992

Mr. Mike Kuntz
Washington Department of Ecology
M/S PV-11
Olympia, WA 98504-8711

RE: NPDES LIMITS FOR DISCHARGE TO THE LITTLE SPOKANE RIVER COLBERT LANDFILL
RD/RA PROJECT

Dear Mr. Kuntz:

Spokane County has reviewed the Ecology and EPA April 28, 1992 comment letter regarding the Preliminary Phase II Treatment and Discharge Plan for the Colbert Landfill RD/RA Project (Project), and is greatly concerned over the National Pollutant Discharge Elimination System (NPDES) issues raised by Ecology. In the comment letter, Ecology identified proposed NPDES discharge limits for Phase II operation for a number of constituents not identified as constituents of concern for the site, and, thus, not addressed by the EPA selected remedial action. If imposed, these proposed discharge limits constitute additional potential constituents of concern not addressed in Ecology's Remedial Investigation/Feasibility Study (RI/FS), the Record of Decision (ROD), or the Consent Decree for the Project.

Ecology identified State surface water quality criteria (WAC 173-201) and Federal ambient water quality criteria (EPA 440/5-86-001) as applicable to Project discharges to the Little Spokane River. An initial assessment indicates these regulations include criteria for 135 parameters, about 40 of which have not been analyzed for previously at the site. Additionally, the proposed criteria for 43 of the parameters that have been tested for are below the laboratory detection limits used for Project analysis; therefore, it is unknown whether or not criteria for these constituents will be exceeded during Phase II operation.

Post-It™ brand fax transmittal memo 7671		# of pages
To: <i>Mike Kuntz</i>	From: <i>Paul</i>	
Co: <i>DOE</i>	Co: <i>Ecology</i>	
Dept:	Phone #	
Fax #	Fax #	

10

(509) 456-3600 FAX (509) 456-4715

Although some of these ambient water quality criteria may be applicable to surface water discharge under certain circumstances, Spokane County does not believe they are applicable to the Project. The Federal NPDES regulations identify conventional monitoring parameters for all industries, and establish additional monitoring parameters for various industries based on identified "constituents of concern" characteristic of the process water for that industry. Federal NPDES discharge criteria are then based on the best available control technologies (BACT) to treat the constituents for the given industrial process. Although remediation of the Colbert Landfill is not an NPDES Identified Industrial process, the Project RI/FS implemented a similar characterization process. The site was investigated during the RI, and six Constituents of Concern were identified (TCA; TCE; 1,1-DCE; 1,1-DCA; PCE; and methylene chloride) based on laboratory analyses for a broad range of compounds; these Constituents of Concern are analogous to selected NPDES monitoring parameters. The FS evaluated various treatment alternatives for the Constituents of Concern and ranked air stripping as the most cost-effective treatment process, thereby establishing air stripping as the BACT for the Colbert Landfill Project. This interpretation is supported in the Statutory Determinations section of the ROD, which states:

"The selected remedy treats the extracted water before discharge to surface water. Other, mainly procedural, aspects of the NPDES Permit system will be met during the design phase, although no permit is actually required."

It is clear from this statement that the ROD considers the proposed remedial action adequate treatment, since the imposition of over 130 additional discharge criteria does not constitute "mainly procedural aspects" of the NPDES process.

It is also important to recognize that the Project Consent Decree only addresses remediation for the six Constituents of Concern. Spokane County (and the other potentially responsible parties) have not agreed to remediate any other constituents. Requiring treatment for other constituents (which establishment of additional discharge criteria potentially does) would necessitate renegotiation of the Project Consent Decree or negotiation of a new Consent Decree.

The Project schedule would be severely impacted by imposition of the proposed NPDES discharge criteria. At a minimum, 3 to 6 months would be required to evaluate whether Phase II discharges will exceed the proposed NPDES discharge criteria. If the proposed criteria are likely to be exceeded by Phase II discharges, evaluation of the need for additional treatment evaluation of applicable treatment alternatives will be required. This evaluation process could eliminate the selected treatment method (air stripping) as a viable treatment technology. The treatment evaluation and selection process would require 1 to 2 years, and subsequent revision of the ROD (if required) and Consent Decree would further lengthen this process. Overall, revision of the remedial action to address the proposed NPDES discharge criteria could extend the Phase II design process by 3 years, or more.

not
Force majeure

Spokane County has cooperated fully with Ecology and EPA in implementing the Colbert Landfill Project, and intends to continue doing so in the future. However, the proposed NPDES discharge criteria constitute a change in scope not previously contemplated for the Project, and thus, not addressed by the EPA selected remedial action. As a result, Spokane County has no alternative but to halt design of the Phase II remedial action until the applicability of these proposed criteria is resolved and the effectiveness of the selected remedial action is confirmed. As a result, Spokane County is requesting a schedule extension under Section XXIV (Force Majeure) of the Consent Decree until the NPDES discharge criteria issues are resolved.

We strongly urge Ecology to reconsider its position on establishment of additional NPDES discharge criteria. The Project documents (RI/FS, ROD, and Consent Decree) clearly support Spokane County's position that NPDES discharge criteria should be limited to the Project Constituents of Concern and the conventional parameters listed in the Preliminary Phase II Treatment and Discharge Plan. Spokane County would like to resolve this issue as soon as possible and resume design of the remedial action. We are prepared to meet with EPA and Ecology at their earliest convenience. If you have any questions or wish to schedule meeting, please contact Dean Fowler or myself.

Sincerely,



Dennis M. Scott, P.E.
Public Work Director

Constituents of concern
- risk drives
- MCL's exceeded

Trst to reduce contaminants to drinking water levels.

c:\wpdoo\honda\scottlir.df